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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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COMMITTEE AGAINST TORTURE

STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, AND RESERVATIONS, DECLARATIONS AND OBJECTIONS UNDER THE CONVENTION

Note by the Secretary-General

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CONTENTS

		Page
Introduction		5
Chapter		
I.	LIST OF STATES WHICH HAVE SIGNED, RATIFIED OR ACCEDED TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT AS AT 1 MARCH 1994	6
II.	TEXTS OF DECLARATIONS, RESERVATIONS, WITHDRAWALS AND OBJECTIONS	11
	A. Declarations and reservations	11
	Afghanistan	11
	Austria	11
	Belarus	11
	Bulgaria	12
	Chile	12
	China	13
	Czech Republic*	13
	Ecuador	13
	France	13
	Germany**	14
	Guatemala	14
	Hungary	14
	Israel	15
	Luxembourg	15
	Monaco	15
	Morocco	15
	Netherlands	15
	New Zealand	16
	Panama	16
	Poland	16
	Russian Federation***	16
	Togo	16
	Tunisia	17
	Turkey	17
	Ukraine	17
	United Kingdom of Great Britain and Northern Ireland	17
	United States of America	17

---

* See footnote c/ (iii) in Chapter I.

** See footnote d/ in Chapter I.

*** See footnote f/ in Chapter I.

CONTENTS (continued)

Chapter			Page
II.	B.	Withdrawal of reservations	18
		Belarus	18
		Bulgaria	18
		Chile	18
		Guatemala	18
		Hungary	19
		Russian Federation *	19
		Tunisia	19
		Ukraine	19
	C.	Objections to reservations and declarations	20
		Argentina	20
		Australia	21
		Austria	21
		Bulgaria	21
		Canada	22
		Denmark	22
		Finland	22
		France	22
		Greece	23
		Italy	23
		Luxembourg	23
		Netherlands	23
		New Zealand	24
		Norway	24
		Portugal	24
		Spain	25
		Sweden	25
		Switzerland	25
		Turkey	26
		United Kingdom of Great Britain and Northern Ireland	26
	D.	Declarations by States parties recognizing the competence of the Committee against Torture under articles 21 and 22 of the Convention or under one of these two articles	27
		Algeria	27
		Argentina	27
		Australia	27
		Austria	28
		Bulgaria	28
		Canada	28

* See footnote f/ in Chapter I.

CONTENTS (continued)

Chapter — Page

II. D. Declarations by States parties recognizing the competence of the Committee against Torture under articles 21 and 22 of the Convention or under one of these two articles (continued)

Croatia* 29
Cyprus 29
Denmark 29
Ecuador 29
Finland 30
France 30
Greece 30
Hungary 30
Italy 30
Liechtenstein 31
Luxembourg 31
Malta 31
Monaco 31
Netherlands 32
New Zealand 32
Norway 32
Poland 33
Portugal 33
Russian Federation** 33
Slovenia 34
Spain 34
Sweden 34
Switzerland 34
Togo 35
Tunisia 35
Turkey 35
United Kingdom of Great Britain and Northern Ireland .. 36
Uruguay 36
Venezuela 36
Yugoslavia 36

Index 37

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* See footnote c/ (ii) in Chapter I.

** See footnote f/ in Chapter I.

Introduction

As at 1 March 1994, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been ratified or acceded to by 80 States. In addition, 15 States had signed the Convention. The list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, is contained in chapter I of the present document. Chapter II contains the texts of reservations and declarations (part A), withdrawal of reservations (part B), and objections to reservations and declarations (part C), made by States with respect to the Convention since its entry into force, i.e. from 26 June 1987 to 1 March 1994. Declarations made by States parties during the same period, recognizing the competence of the Committee against Torture under articles 21 and 22 of the Convention, are reproduced in chapter II, part D. The provisions of articles 21 and 22 entered into force on 26 June 1987 in accordance with paragraph 2 of article 21 and paragraph 8 of article 22.

I. LIST OF STATES WHICH HAVE SIGNED, RATIFIED OR ACCEDED TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT AS AT 1 MARCH 1994

State	Date of signature	Date of receipt of the instrument of ratification or accession
Afghanistan	4 February 1985	1 April 1987
Algeria a/	26 November 1985	12 September 1989
Antigua and Barbuda		19 July 1993 b/
Argentina a/	4 February 1985	24 September 1986
Armenia		13 September 1993 b/
Australia a/	10 December 1985	8 August 1989
Austria a/	14 March 1985	29 July 1987
Belarus	19 December 1985	13 March 1987
Belgium	4 February 1985	
Belize		17 March 1986 b/
Benin		12 March 1992 b/
Bolivia	4 February 1985	
Bosnia and Herzegovina		6 March 1992
Brazil	23 September 1985	28 September 1989
Bulgaria a/	10 June 1986	16 December 1986
Burundi		18 February 1993
Cambodia		15 October 1992 b/
Cameroon		19 December 1986 b/
Canada a/	23 August 1985	24 June 1987
Cape Verde		4 June 1992 b/
Chile	23 September 1987	30 September 1988
China	12 December 1986	4 October 1988
Colombia	10 April 1985	8 December 1987
Costa Rica	4 February 1985	11 November 1993
Croatia a/		8 October 1991 c/
Cuba	27 January 1986	
Cyprus a/	9 October 1985	18 July 1991
Czech Republic		1 January 1993 c/

State	Date of signature	Date of receipt of the instrument of ratification or accession
Denmark a/	4 February 1985	27 May 1987
Dominican Republic	4 February 1985	
Ecuador a/	4 February 1985	30 March 1988
Egypt		25 June 1986 b/
Estonia		21 October 1991 b/
Finland a/	4 February 1985	30 August 1989
France a/	4 February 1985	18 February 1986
Gabon	21 January 1986	
Gambia	23 October 1985	
Germany	13 October 1986	1 October 1990 d/
Greece a/	4 February 1985	6 October 1988
Guatemala		5 January 1990 b/
Guinea	30 May 1986	10 October 1989
Guyana	25 January 1988	19 May 1988
Hungary a/	28 November 1986	15 April 1987
Iceland	4 February 1985	
Indonesia	23 October 1985	
Ireland	28 September 1992	
Israel	22 October 1986	3 October 1991
Italy a/	4 February 1985	12 January 1989
Jordan		13 November 1991 b/
Latvia		14 April 1992 b/
Libyan Arab Jamahiriya		16 May 1989 b/
Liechtenstein a/	27 June 1985	2 November 1990
Luxembourg a/	22 February 1985	29 September 1987
Malta a/		13 September 1990 b/
Mauritius		9 December 1992 b/
Mexico	18 March 1985	23 January 1986
Monaco a/		6 December 1991 b/
Morocco	8 January 1986	21 June 1993
Nepal		14 May 1991 b/
Netherlands a/	4 February 1985	21 December 1988 e/

State	Date of signature	Date of receipt of the instrument of ratification or accession
New Zealand a/	14 January 1986	10 December 1989
Nicaragua	15 April 1985	
Nigeria	28 July 1988	
Norway a/	4 February 1985	9 July 1986
Panama	22 February 1985	24 August 1987
Paraguay	23 October 1989	12 March 1990
Peru	29 May 1985	7 July 1988
Philippines		18 June 1986 b/
Poland a/	13 January 1986	26 July 1989
Portugal a/	4 February 1985	9 February 1989
Romania		18 December 1990 b/
Russian Federation a/	10 December 1985	3 March 1987 f/
Senegal	4 February 1985	21 August 1986
Seychelles		5 May 1992 b/
Sierra Leone	18 March 1985	
Slovakia		28 May 1993 b/
Slovenia a/		16 July 1993 b/
Somalia		24 January 1990 b/
South Africa	29 January 1993	
Spain a/	4 February 1985	21 October 1987
Sri Lanka		3 January 1994
Sudan	4 June 1986	
Sweden a/	4 February 1985	8 January 1986
Switzerland a/	4 February 1985	2 December 1986
Togo a/	25 March 1987	18 November 1987
Tunisia a/	26 August 1987	23 September 1988
Turkey a/	25 January 1988	2 August 1988
Uganda		3 November 1986 b/
Ukraine	27 February 1986	24 February 1987
United Kingdom of Great Britain and Northern Ireland g/	15 March 1985	8 December 1988 h/

State	Date of signature	Date of receipt of the instrument of ratification or accession
United States of America	18 April 1988	
Uruguay a/	4 February 1985	24 October 1986
Venezuela a/	15 February 1985	29 July 1991
Yemen		5 November 1991 b/
Yugoslavia a/	18 April 1989	10 September 1991

Notes

a/ Made the declaration under articles 21 and 22 of the Convention.

b/ Accession.

c/ Succession.

(i) In its notification of succession, received on 1 September 1993, he Government of Bosnia and Herzegovina indicated that the succession should take effect from 6 March 1992, the date on which it assumed responsibility for its international relations.

(ii) In its notification of succession, received on 12 October 1992, the Government of Croatia indicated that the succession should take effect from 8 October 1991, date on which the proclamation of independence became effective.

(iii) In its notification of succession, received on 22 February 1993, the Government of the Czech Republic indicated that succession should take effect from 1 January 1993. The former Czech and Slovak Federal Republic had ratified the Convention on 7 July 1988.

d/ It will be recalled that "through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State ... As from the date of the unification, the Federal Republic of Germany acts in the United Nations under the designation 'Germany'". The German Democratic Republic had signed the Convention on 7 April 1986 and had ratified it on 9 September 1987.

e/ The instrument of ratification specifies that the Convention is ratified in respect of the Kingdom in Europe, the Netherlands Antilles and Aruba.

f/ By a note transmitted on 26 December 1991, the Ministry for Foreign Affairs of the Russian Federation informed the Secretary-General "that the membership of the Union of Soviet Socialist Republics in the United Nations

and all of its bodies as well as the participation in all the conventions, agreements and other international legal instruments signed in the framework of the United Nations or under its auspices, is continued by the Russian Federation (...). The Russian Federation remains responsible in full for all rights and obligations of the USSR in the United Nations, including the financial obligations".

g/ Made the declaration under article 21.

h/ The instrument of ratification specifies that the Convention is ratified in respect of the United Kingdom of Great Britain and Northern Ireland, Anguilla, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, Saint Helena, Saint Helena Dependencies, Turks and Caicos Islands.

On 8 December 1992, the Government of the United Kingdom extended its ratification of the Convention to the following territories: Bailiwick of Guernsey, Bailiwick of Jersey, Isle of Man, Bermuda and Hong Kong. The extension is subject to the same declaration under article 21 of the Convention that accompanied the ratification of the United Kingdom.

II. TEXTS OF DECLARATIONS, RESERVATIONS, WITHDRAWALS AND OBJECTIONS

A. Declarations and reservations

AFGHANISTAN

Upon ratification

While ratifying the above-mentioned Convention, the Democratic Republic of Afghanistan, invoking paragraph 1 of article 28, of the Convention, does not recognize the authority of the Committee as foreseen in article 20 of the Convention.

Also according to paragraph 2 of article 30, the Democratic Republic of Afghanistan, will not be bound to honour the provision of paragraph 1 of the same article since according to that paragraph the compulsory submission of disputes in connection with interpretation or the implementation of the provisions of this Convention by one of the parties concerned to the International Court of Justice is deemed possible. Concerning this matter, it declares that the settlement of disputes between the States parties may be referred to arbitration or to the International Court of Justice with the consent of all the parties concerned and not by one of the parties.

AUSTRIA

Upon ratification

Austria will establish its jurisdiction in accordance with article 5 of the Convention irrespective of the laws applying to the place where the offence occurred, but in respect of paragraph 1 (c) only if prosecution by a State having jurisdiction under paragraph 1 (a) or paragraph 1 (b) is not to be expected.

Austria regards article 15 of the Convention as the legal basis for the inadmissibility provided for therein of the use of statements which are established to have been made as a result of torture.

BELARUS

Upon signature and confirmed upon ratification

The Byelorussian Soviet Socialist Republic does not recognize the competence of the Committee against Torture as defined by article 20 of the Convention.

The Byelorussian Soviet Socialist Republic does not consider itself bound by the provisions of article 30, paragraph 1, of the Convention*.

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* See the notification of withdrawal of this reservation in part B below.

BULGARIA

Upon signature and confirmed upon ratification

Pursuant to article 28 of the Convention, the People's Republic of Bulgaria states that it does not recognize the competence of the Committee against Torture provided for in article 20 of the Convention, as it considers that the provisions of article 20 are not consistent with the principle of respect for sovereignty of the States parties to the Convention.

Pursuant to article 30, paragraph 2, of the Convention, the People's Republic of Bulgaria states that it does not consider itself bound by the provisions of article 30, paragraph 1, of the Convention, establishing compulsory jurisdiction of international arbitration or the International Court of Justice in the settlement of disputes between States parties to the Convention. The People's Republic of Bulgaria maintains its position that disputes between two or more States can be submitted for consideration and settlement by international arbitration or the International Court of Justice only provided all parties to the dispute, in each individual case, have explicitly agreed to that*.

CHILE

Upon signature

... The Government of Chile does not recognize the competence of the Committee against Torture provided for in article 20 of the Convention.

The Government of Chile does not consider itself bound by the provisions of article 30, paragraph 1, of the Convention.

The Government of Chile reserves the right to formulate, upon ratifying the Convention, any declarations or reservations it may deem necessary in the light of its domestic law.

Upon ratification

The instrument of ratification by the Government of Chile contains the following reservations:

(a) To article 2, paragraph 3, in so far as it modifies the principle of "obedience upon reiteration" contained in Chilean domestic law. The Government of Chile will apply the provisions of that international norm to subordinate personnel governed by the Code of Military Justice, provided that the order patently intended to lead to perpetration of the acts referred to in article 1 is not insisted on by the superior officer after being challenged by his subordinate*;

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* Ibid.

(b) To article 3, by reason of the discretionary and subjective nature of the terms in which it is drafted*;

(c) The Government of Chile declares that, in its relations with American States that are parties to the Inter-American Convention to Prevent and Punish Torture, it will apply that Convention in cases where its provisions are incompatible with those of the present Convention;

(d) As provided for in article 28, paragraph 1, the Government of Chile does not recognize the competence of the Committee against Torture as defined by article 20 of the Convention*;

(e) The Government of Chile will not consider itself bound by the provisions of article 30, paragraph 1, of the Convention.

CHINA

Upon signature and confirmed upon ratification

The People's Republic of China ... does not consider itself bound by article 20 and article 30, paragraph 1, of the Convention.

CZECH REPUBLIC*

Upon accession

The Czech Government declares that it considers itself to be bound by the reservation to article 20 of the Convention, made by Czechoslovakia upon signature on 8 September 1986 and confirmed upon ratification on 7 July 1988.

ECUADOR

Upon ratification

Ecuador declares that, in accordance with the provisions of article 42 of its Political Constitution, it will not permit extradition of its nationals.

FRANCE

Upon ratification

The Government of the French Republic declares, in accordance with article 30, paragraph 2, of the Convention that it shall not be bound by the provisions of paragraph 1 of that article.

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* See footnote c/ (iii) in chapter I.

GERMANY*

Upon signature

The Government of the Federal Republic of Germany reserves the right to communicate, upon ratification, such reservations or declarations of interpretation as are deemed necessary especially with respect to the applicability of article 3 of the Convention.

Upon ratification

Declarations

The Government of the Federal Republic of Germany declares the following in respect of article 3 of the Convention: This provision prohibits the transfer of a person directly to a State where this person is exposed to a concrete danger of being subjected to torture. In the opinion of the Federal Republic of Germany, article 3 as well as the other provisions of the Convention exclusively establish State obligations that are met by the Federal Republic of Germany in conformity with the provisions of its domestic law which is in accordance with the Convention.

Also, the Government of the Federal Republic of Germany declares that the said Convention shall also apply to Berlin (West) with effect from the date on which it enters into force for the Federal Republic of Germany.

GUATEMALA

Upon accession

The instrument of accession by the Government of Guatemala contains reservations in accordance with the provisions of articles 28, paragraph 1, and 30, paragraph 2, of the Convention**.

HUNGARY

Upon signature and confirmed upon ratification**

The Hungarian People's Republic does not recognize the competence of the Committee against Torture as defined by article 20 of the Convention.

The Hungarian People's Republic does not consider itself bound by the provisions of article 30, paragraph 1, of the Convention.

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* See footnote d/ in Chapter I.

** See the notification of withdrawal of these reservations in part B below.

ISRAEL

Upon ratification

In accordance with article 28 of the Convention, the State of Israel hereby declares that it does not recognize the competence of the Committee provided for in article 20.

In accordance with paragraph 2 of article 30, the State of Israel hereby declares that it does not consider itself bound by paragraph 1 of that article.

LUXEMBOURG

Upon ratification

The Grand Duchy of Luxembourg declares that the only sanctions that it recognizes as "lawful sanctions" as used in article 1 [of the Convention] are those that are recognized as such equally under domestic law as under international law.

MONACO

Upon accession

In accordance with paragraph 2 of article 30 of the Convention, the Principality of Monaco declares that it does not consider itself bound by the provisions of paragraph 1 of that article.

MOROCCO

Upon signature and confirmed upon ratification

In accordance with article 28, paragraph 1, the Government of the Kingdom of Morocco declares that it does not recognize the competence of the Committee provided for in article 20.

In accordance with article 30, paragraph 2, the Government of the Kingdom of Morocco declares further that it does not consider itself bound by paragraph 1 of the same article.

THE NETHERLANDS

Upon ratification

It is the understanding of the Government of the Kingdom of the Netherlands that the term "lawful sanctions", in article 1, paragraph 1 ..., [of the Convention] must be understood as referring to those sanctions which are lawful not only under national law but also under international law.

NEW ZEALAND

Upon ratification

The Government of New Zealand reserves the right to award compensation to torture victims referred to in article 14 of the Convention only at the discretion of the Attorney-General of New Zealand.

PANAMA

Upon ratification

The Republic of Panama declares in accordance with article 30, paragraph 2, of the Convention that it does not consider itself bound by the provisions of paragraph 1 of the said article.

POLAND

Upon signature

Under article 28 the Polish People's Republic does not consider itself bound by article 20 of the Convention.

Furthermore, the Polish People's Republic does not consider itself bound by article 30, paragraph 1, of the Convention.

RUSSIAN FEDERATION*

Upon signature and confirmed upon ratification**

The Union of Soviet Socialist Republics does not recognize the competence of the Committee against Torture, as defined by article 20 of the Convention.

The Union of Soviet Socialist Republics does not consider itself bound by the provisions of article 30, paragraph 1, of the Convention.

TOGO

Upon signature

The Government of the Togolese Republic reserves the right to formulate, upon ratifying the Convention, any reservations or declarations which it might consider necessary.

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* See footnote f/ in chapter I.

** See the notification of withdrawal of these reservations in part B below.

TUNISIA

Upon signature*

The Government of Tunisia reserves the right to make at some later stage any reservation or declaration which it deems necessary, in particular with regard to articles 20 and 21 of the said Convention.

TURKEY

Upon ratification

The Government of Turkey declares in accordance with article 30, paragraph 2, of the Convention that it does not consider itself bound by the provisions of paragraph 1 of this article.

UKRAINE

Upon signature and confirmed upon ratification

The Ukrainian Soviet Socialist Republic does not recognize the competence of the Committee against Torture, as defined by article 20 of the Convention.

The Ukrainian Soviet Socialist Republic does not consider itself bound by the provisions of article 30, paragraph 1, of the Convention*.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Upon signature

The United Kingdom reserves the right to formulate, upon ratifying the Convention, any reservations or interpretative declarations which it might consider necessary.

UNITED STATES OF AMERICA

Upon signature

The Government of the United States of America reserves the right to communicate, upon ratification, such reservations, interpretative understandings, or declarations as are deemed necessary.

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* See the notification of withdrawal of these reservations in part B below.

B. Withdrawal of reservations*

BELARUS

19 April 1989

In a communication received on 19 April 1989, the Government of the Byelorussian Soviet Socialist Republic notified the Secretary-General that it had decided to withdraw the reservation relating to article 30, paragraph 1, made upon ratification.

BULGARIA

24 June 1992

In a communication received on 24 June 1992, the Government of Bulgaria notified the Secretary-General that it had decided to withdraw the reservation relating to article 30, paragraph 1, made upon signature and confirmed upon ratification.

CHILE

7 September 1990

In a communication received on 7 September 1990, the Government of Chile notified the Secretary-General that it had decided to withdraw the reservations made upon ratification to article 2, paragraph 3, and article 3, as well as the declaration, under article 28, paragraph 1, by which Chile does not recognize the competence of the Committee against Torture [as defined by article 20 of the Convention].

GUATEMALA

30 May 1990

In a communication received on 30 May 1990, the Government of Guatemala notified the Secretary-General that it has decided to withdraw the reservations concerning the provisions of articles 28, paragraph 1, and 30, paragraph 2, made upon accession to the said Convention.

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* The text of reservations withdrawn is contained in part A above.

HUNGARY

13 September 1989

The Government of Hungary notified the Secretary-General, in a communication received on 13 September 1989, that it had decided to withdraw the reservations relating to article 20 and article 30, paragraph 1, of the Convention, made upon ratification.

RUSSIAN FEDERATION*

8 March 1989

In a communication received on 8 March 1989, the Government of the Union of Soviet Socialist Republics notified the Secretary-General that it had decided to withdraw the reservation relating to article 30, paragraph 1, made upon ratification.

1 October 1991

The Union of Soviet Socialist Republics recognizes the competence of the Committee against Torture, as defined by article 20 of the Convention in respect of situations and events occurring after the adoption of the present declaration.

TUNISIA

Upon ratification

[The Government of Tunisia] confirms that the reservations made at the time of signature of the Convention on Tunisia's behalf on 26 August 1987 have been completely withdrawn.

UKRAINE

20 April 1989

In a communication received on 20 April 1989, the Government of the Ukrainian Soviet Socialist Republic notified the Secretary-General that it had decided to withdraw the reservation relating to article 30, paragraph 1, made upon ratification.

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* See footnote f/ in Chapter I.

C. Objections to reservations and declarations*

ARGENTINA

14 April 1989

The Government of Argentina reaffirms its sovereignty over the Malvinas Islands, which form part of its national territory, and, with regard to the Malvinas Islands, formally objects to and rejects the declaration of territorial extension issued by the United Kingdom of Great Britain and Northern Ireland in the instrument of ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, deposited with the Secretary-General of the United Nations on 8 December 1988**.

The General Assembly of the United Nations adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12 and 39/6, in which it recognized the existence of a sovereignty dispute regarding the question of the Malvinas Islands, and has repeatedly requested the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful and definitive solution to the dispute and their remaining differences relating to that question, through the good offices of the Secretary-General. The General Assembly also adopted resolutions 40/21, 41/40, 42/19 and 43/25, which requested the parties to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Malvinas Islands.

17 April 1991

The Argentine Government rejects the extension of the application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signed in New York on 4 February 1985, to the Malvinas Islands, effected by the United Kingdom of Great Britain and Northern Ireland on 8 December 1988**, and reaffirms the rights of sovereignty of the Argentine Republic over those Islands, which are an integral part of its national territory.

The Argentine Republic recalls that the United Nations General Assembly has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which it recognizes the existence of a

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* The text of reservations and declarations against which objections have been raised is contained in part A above; the notifications of withdrawal of declarations and reservations is contained in part B above.

** See chapter I, footnote h/.

sovereignty dispute and requests the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the pending question of sovereignty, in accordance with the Charter of the United Nations.

AUSTRALIA

7 November 1989

The Government of Australia has examined the reservations made by Chile with respect to article 2, paragraph 3, and article 3 of the Convention, and has come to the conclusion that these reservations are incompatible with the object and purpose of the Convention and therefore are impermissible under article 19 of the Vienna Convention on the Law of Treaties. The Government of Australia therefore objects to these reservations. This objection does not have the effect of preventing the Convention from entering into force between Australia and Chile, and the aforementioned reservations cannot alter or modify, in any respect, the obligations arising from the Convention.

AUSTRIA

9 November 1989

The reservations made by the Republic of Chile with respect to article 2, paragraph 3, and article 3 of the Convention, are incompatible with the object and purpose of the Convention and are therefore impermissible under article 19 (c) of the Vienna Convention on the Law of Treaties. The Republic of Austria therefore objects to these reservations and states that they cannot alter or modify, in any respect, the obligations arising from the Convention for all States parties thereto.

BULGARIA

24 January 1990

The Government of the People's Republic of Bulgaria considers the reservations made by Chile with regard to article 2, paragraph 3, and article 3 of the Convention incompatible with the object and the purpose of the Convention.

The Government of the People's Republic of Bulgaria holds the view that each State is obliged to take all measures to prevent any acts of torture and other forms of cruel and inhuman treatment within its jurisdiction, including the unconditional qualification of such acts as crimes in its national criminal code. It is in this sense that article 2, paragraph 3, of the Convention is formulated.

The provisions of article 3 of the Convention are dictated by the necessity to grant the most effective protection to persons who risk to suffer torture or other inhuman treatment. For this reason these provisions should not be interpreted on the basis of subjective or any other circumstances, under which they were formulated.

In view of this the Government of the People's Republic of Bulgaria does not consider itself bound by the reservations.

CANADA

23 October 1989

The Government of Canada hereby formally objects to the reservations made by Chile in respect of article 2, paragraph 3, and article 3 of the Convention. The reservations made by Chile are incompatible with the object and purpose of the Convention and are thus inadmissible under article 19 (c) of the Vienna Convention on the Law of Treaties.

DENMARK

7 September 1989

The Government of Denmark hereby enters its formal objection to the reservations to article 2, paragraph 3, and article 3 of the Convention, made by the Government of Chile upon ratification of the Convention on 30 September 1988.

The Danish Government considers the said reservations as being incompatible with the object and purpose of the Convention and therefore invalid.

This objection is not an obstacle to the entry into force of the said Convention between Denmark and Chile.

FINLAND

20 October 1989

The Government of Finland hereby enters its formal objection to the reservations to article 2, paragraph 3, and article 3 of the Convention, made by the Government of Chile upon ratification of the Convention on 30 September 1988.

The Government of Finland considers the said reservations as being incompatible with the object and purpose of the Convention and therefore invalid.

This objection is not an obstacle to the entry into force of the said Convention between Finland and Chile.

FRANCE

20 September 1989

Upon its ratification of the Convention, Chile made reservations to article 2, paragraph 3, and article 3 of the Convention.

France considers that the reservations made by Chile are not valid as being incompatible with the object and purpose of the Convention.

Such objection is not an obstacle to the entry into force of the Convention between France and Chile.

GREECE

13 October 1989

Greece does not accept the reservations made by Chile in respect of article 2, paragraph 3, and article 3, since they are incompatible with the purpose and object of the Convention.

The above-mentioned objection is not an obstacle to the entry into force of the Convention between Greece and Chile.

ITALY

14 August 1989

The Government of Italy considers that the reservations entered by Chile in respect of article 2 (3) and article 3 of this Convention are not valid, as they are incompatible with the object and purpose of the Convention. The present objection is in no way an obstacle to the entry into force of this Convention between Italy and Chile.

LUXEMBOURG

12 September 1989

At the time of its ratification of the Convention, on 30 September 1988, Chile made reservations regarding article 2, paragraph 3, and article 3 of the Convention.

The Grand Duchy of Luxembourg objects to those reservations, which are incompatible with the intent and purpose of the Convention.

This objection does not represent an obstacle to the entry into force of the said Convention between the Grand Duchy of Luxembourg and Chile.

NETHERLANDS

7 November 1989

The Government of the Kingdom of the Netherlands objects to the reservations to article 2, paragraph 3, and article 3 of the Convention, made by Chile upon ratification on 30 September 1988, as being contrary to the object and purpose of that Convention.

Since the purpose of the Convention is the strengthening of the existing prohibition of torture and similar practices, the reservation to article 2, paragraph 3, to the effect that an order from a superior officer or a public

authority may - in some cases - be invoked as a justification for torture, must be rejected as contrary to the object and purpose of the Convention.

For similar reasons, the reservation to article 3 must be regarded as incompatible with the object and purpose of the Convention.

These objections are not an obstacle to the entry into force of this Convention between the Kingdom of the Netherlands and Chile.

NEW ZEALAND

Upon ratification

Concerning Reservations made by Chile; the Government of New Zealand hereby presents its formal Objection to the Reservations made by Chile when ratifying the Convention relating to article 2, paragraph 3, and article 3 of the Convention against Torture. The New Zealand Government considers the said Reservations to be incompatible with the object and purpose of the Convention. This Objection does not constitute an obstacle to the entry into force of the Convention between New Zealand and Chile.

NORWAY

28 September 1989

The Government of Norway hereby objects to the reservations to article 2, paragraph 3, and article 3 of the Convention, made by the Government of Chile upon ratification of the Convention on 30 September 1988. The Government of Norway considers the said reservations as being incompatible with the object and purpose of the Convention and therefore invalid.

This objection is not an obstacle to the entry into force of the said Convention between Norway and Chile.

PORTUGAL

6 October 1989

The Government of Portugal hereby presents its formal objection to the reservations to article 2, paragraph 3, and article 3 of the Convention, made by the Government of Chile upon ratification of the said Convention.

The Government of Portugal considers such reservations to be incompatible with the object and purpose of this Convention and therefore invalid.

This objection does not constitute an obstacle to the entry into force of the Convention between Portugal and Chile.

SPAIN

26 September 1989

The Government of the Kingdom of Spain declares that it objects to the reservations made by Chile to article 2, paragraph 3, and article 3 of the Convention, because the aforementioned reservations are contrary to the purposes and aims of the Convention.

The present objection does not constitute an obstacle to the entry into force of the Convention between Spain and Chile.

SWEDEN

25 September 1989

The Swedish Government has examined the reservations made by Chile with respect to article 2, paragraph 3, and article 3 of the Convention, and has come to the conclusion that these reservations are incompatible with the object and purpose of the Convention and are therefore impermissible under article 19 (c) of the Vienna Convention on the Law of Treaties. For this reason the Government of Sweden objects to these reservations. This objection does not have the effect of preventing the Convention from entering into force between Sweden and Chile, and the said reservations cannot alter or modify, in any respect, the obligations arising from the Convention.

SWITZERLAND

8 November 1989

The Swiss Government objects to the following reservations made by the Republic of Chile upon ratification [of the Convention] on 30 September 1988:

Reservation (a), according to which the Government of Chile will not apply article 2, paragraph 3, in so far as it modifies the principles of "obedience upon reiteration" contained in Chilean domestic law;

Reservation (b) to article 3 (principle of non-refoulement).

These reservations are not compatible with the object and purpose of the Convention, which are to improve respect for a human right of fundamental importance and to make more effective the struggle against torture throughout the world.

This objection does not have the effect of preventing the Convention from entering into force between the Swiss Confederation and the Republic of Chile.

TURKEY

3 November 1989

The Government of Turkey presents its formal objection to the reservation regarding article 2, paragraph 3, of the Convention, made by the Government of Chile upon ratification of the said Convention.

The Government of Turkey considers such reservations to be incompatible with the object and purpose of this Convention and therefore invalid.

This objection does not constitute an obstacle to the entry into force of the Convention between Turkey and Chile.

23 July 1991

With reference to the ratification by Cyprus of the Convention, the Government of Turkey states the following:

"The Republic of Cyprus" which was established, in accordance with international treaties, on the basis of a partnership between the two peoples of the island, has ceased to exist as such after its constitution was unilaterally and unlawfully abrogated in 1963 by the Greek Cypriot side by the use of force, despite the protestations and the resistance of the Turkish Cypriot side. The Greek Cypriot Administration has ever since represented exclusively the Greek Cypriots and their interests. As a guarantor power under the 1960 Treaty of Guarantee, Turkey does not recognize this Administration or any of its illegitimate claims.

There is no single authority which, in fact or in law, jointly represents or is competent to represent the Turkish Cypriots and the Greek Cypriots, and consequently Cyprus as a whole. This is the reason why a negotiating process is being pursued between the Turkish Cypriot and the Greek Cypriot leaders on the basis of equality.

The Turkish Cypriot people are represented by the Government of the Turkish Republic of Northern Cyprus which was recognized by Turkey in 1983.

Therefore, the instrument of ratification deposited on behalf of the so-called Government of Cyprus is, in fact, the instrument of ratification of only the Greek Cypriot Administration and is devoid of any legal basis as regards its applicability to Cyprus in its entirety.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

8 November 1989

(a) The reservations to article 28, paragraph 1, and to article 30, paragraph 1, being reservations expressly permitted by the Convention, do not call for any observations by the United Kingdom.

(b) The United Kingdom takes note of the reservation referring to the Inter-American Convention to Prevent and Punish Torture, which cannot, however, affect the obligations of Chile in respect of the United Kingdom, as a non-party to the said Convention.

(c) The United Kingdom is unable to accept the reservation to article 2, paragraph 3, or the reservation to article 3 [made by Chile upon ratification of the Convention].

D. Declarations by States Parties recognizing the competence of the Committee against Torture under articles 21 and 22 of the Convention or under one of these two articles

ALGERIA

Upon ratification

The Algerian Government declares, pursuant to article 21 of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

The Algerian Government declares, pursuant to article 22 of the Convention, that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

ARGENTINA

Upon ratification

... The Argentine Republic recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. It also recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

AUSTRALIA

28 January 1993

The Government of Australia hereby declares that it recognizes, for and on behalf of Australia, the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the aforesaid Convention; and

The Government of Australia hereby declares that it recognizes, for and on behalf of Australia, the competence of the Committee to receive and

consider communications from or on behalf of individuals subject to Australia's jurisdiction who claim to be victims of a violation by a State Party of the provisions of the aforesaid Convention.

AUSTRIA

Upon ratification

... Austria recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

... Austria recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to Austrian jurisdiction who claim to be victims of a violation of the provisions of the Convention.

BULGARIA

12 May 1993

... Bulgaria declares that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

... Bulgaria declares that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of this Convention.

CANADA

13 November 1989

The Government of Canada declares that it recognizes the competence of the Committee against Torture, pursuant to article 21 of the Convention, to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

The Government of Canada declares that it recognizes the competence of the Committee against Torture, pursuant to article 22 of the Convention, to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

CROATIA *

8 October 1991

The notification of succession included the acceptance of the competence of the Committee against Torture under articles 21 and 22 of the Convention.

CYPRUS

8 April 1993

The Government of the Republic of Cyprus declares that the Republic of Cyprus recognizes the competence of the Committee [...]:

> to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention and
>
> to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

DENMARK

Upon ratification

The Government of Denmark declares, [...] that Denmark recognizes the competence of the Committee to receive and consider communications to the effect that the State Party claims that another State Party is not fulfilling its obligations under this Convention.

The Government of Denmark also declares, [...] that Denmark recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

ECUADOR

6 September 1988

... The Ecuadorian State ... recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention; it also recognizes in regard to itself the competence of the Committee, in accordance with article 21.

It further declares ... that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

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* See chapter I, footnote c/ (ii).

FINLAND

Upon ratification

Finland declares that it recognizes fully the competence of the Committee against Torture as specified in article 21, paragraph 1, and article 22, paragraph 1, of the Convention.

FRANCE

Upon ratification

The Government of France declares [...] that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention.

The Government of France declares [...] that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

GREECE

Upon ratification

The Hellenic Republic declares ... that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention.

The Hellenic Republic declares ... that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

HUNGARY

13 September 1989

On 13 September 1989, the Secretary-General received from the Government of Hungary a declaration made under articles 21 and 22 of the Convention by which the Government of Hungary recognized the competence of the Committee against Torture.

ITALY

10 October 1989

Italy hereby declares, in accordance with article 21, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party is not fulfilling its obligations under this Convention.

Italy hereby declares, in accordance with article 22, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of violations by a State Party of the provisions of the Convention.

LIECHTENSTEIN

Upon ratification

The Principality of Liechtenstein recognizes, in accordance with article 21, paragraph 1, of the Convention, the competence of the Committee against Torture to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention.

The Principality of Liechtenstein recognizes, in accordance with article 22, paragraph 1, the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

LUXEMBOURG

Upon ratification

The Grand Duchy of Luxembourg declares [...] that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention.

The Grand Duchy of Luxembourg declares [...] that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

MALTA

Upon ratification

The Government of Malta recognizes fully the competence of the Committee against Torture as specified in article 21, paragraph 1, and article 22, paragraph 1, of the Convention.

MONACO

Upon ratification

In accordance with paragraph 1 of article 21 of the Convention, the Principality of Monaco declares that it recognizes the competence of the

Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention.

In accordance with paragraph 1 of article 22 of the Convention, the Principality of Monaco declares that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

NETHERLANDS

Upon ratification

The Government of the Kingdom of the Netherlands hereby declares that it recognizes the competence of the Committee against Torture ... to receive and consider communications to the effect that another State Party claims that the Kingdom is not fulfilling its obligations under this Convention.

The Government of the Kingdom of the Netherlands hereby declares that it recognizes the competence of the Committee against Torture ... to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by the Kingdom of the provisions of the Convention.

NEW ZEALAND

Upon ratification

The Government of New Zealand declares:

In accordance with article 21, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention; and,

In accordance with article 22, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

NORWAY

Upon ratification

... Norway recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

... Norway recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

POLAND

12 May 1993

The Government of Poland [...] recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that the Republic of Poland is not fulfilling its obligations under the Convention or communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by the Republic of Poland of the provisions of the Convention.

PORTUGAL

Upon ratification

Portugal hereby declares ... that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that the State Party claims that another State Party is not fulfilling its obligations under this Convention.

Portugal hereby declares ... that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of violation by a State Party of the provisions of the Convention.

RUSSIAN FEDERATION *

1 October 1991

The Union of Soviet Socialist Republics declares that, pursuant to article 21 of the Convention it recognizes the competence of the Committee against Torture to receive and consider communications in respect of situations and events occurring after the adoption of the present declaration, to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention.

The Union of Soviet Socialist Republics also declares that, pursuant to article 22 of the Convention, it recognizes the competence of the Committee to receive and consider communications in respect of situations or events occurring after the adoption of the present declaration, from or on behalf of individuals subject to its jurisdication who claim to be victims of a violation by a State Party of the provisions of the Convention.

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* See footnote f/ in Chapter I.

SLOVENIA

Upon accession

The Republic of Slovenia declares that it recognizes the competence of the Committee against Torture, pursuant to article 21 of the said Convention, to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligation under this Convention.

The Republic of Slovenia also declares that it recognizes the competence of the Committee against Torture, pursuant to article 22 of the said Convention, to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

SPAIN

Upon ratification

Spain declares that it recognizes the competence of the Committee to receive and consider communications to the effect that the Spanish State is not fulfilling its obligations under this Convention. Spain understands that, in accordance with the article to which reference is made, such communications shall be accepted and transmitted only when they come from a State Party which has made a similar declaration.

Spain declares that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to Spanish jurisdiction who claim to be victims of a violation by the Spanish State of the provisions of the Convention. Such communications shall comply with the provisions of the article concerned, and especially of its paragraph 5.

SWEDEN

Upon ratification

... Sweden recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

... Sweden recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

SWITZERLAND

Upon ratification

Pursuant to the Federal Decree of 6 October 1986 on the approval of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment, the Federal Council declares, in accordance with article 21, paragraph 1, of the Convention, that Switzerland recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that Switzerland is not fulfilling its obligations under this Convention.

Pursuant to the above-mentioned Federal Decree, the Federal Council declares, in accordance with article 22, paragraph 1, of the Convention, that Switzerland recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by Switzerland of the provisions of the Convention.

TOGO

Upon ratification

The Government of the Republic of Togo hereby declares, [...] that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

The Government of the Republic of Togo further declares, [...] that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

TUNISIA

Upon ratification

[The Government of Tunisia] declares that it recognizes the competence of the Committee against Torture provided for in article 17 of the Convention to receive communications pursuant to articles 21 and 22, thereby withdrawing any reservation made on Tunisia's behalf in this connection.

TURKEY

Upon ratification

The Government of Turkey declares ... that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party is not fulfilling its obligations under the Convention.

The Government of Turkey declares ... that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Upon ratification

The Government of the United Kingdom declares under article 21 of the Convention that it recognizes the competence of the Committee against Torture to receive and consider communications submitted by another State Party, provided that such other State Party has, not less than 12 months prior to the submission by it of a communication in regard to the United Kingdom, made a declaration under article 21 recognizing the competence of the Committee to receive and consider communications in regard to itself.

URUGUAY

27 July 1988

... The Government of Uruguay recognizes the competence of the Committee against Torture to receive and consider communications referring to articles 21 and 22 of the Convention.

VENEZUELA

21 December 1993

The Republic of Venezuela declares under article 21, paragraph 1, of the Convention that it recognizes the competence of the Committee against Torture to receive and consider communications in which a State Party alleges that the Republic of Venezuela is not fulfilling its obligations under the Convention.

The Republic of Venezuela declares under article 22, paragraph 1, of the Convention that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by the State of Venezuela of the provisions of the Convention.

YUGOSLAVIA

Upon ratification

Yugoslavia recognizes, in compliance with article 21, paragraph 1, of the Convention, the competence of the Committee against Torture to receive and consider communications in which one State Party to the Convention claims that another State Party does not fulfil the obligations pursuant to the Convention;

Yugoslavia recognizes, in conformity with article 22, paragraph 1, of the Convention, the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

Index

Articles of the Convention	States parties which made reservations or declarations
1	Luxembourg, Netherlands
2, para. 3	Chile*
3	Chile*, Germany
5	Austria
14	New Zealand
15	Austria
20	Afghanistan, Belarus, Bulgaria, Chile*, China, Czech Republic, Guatemala*, Hungary*, Israel, Morocco, Russian Federation*, Ukraine
21	Algeria, Argentina, Australia, Austria, Bulgaria, Canada, Croatia, Cyprus, Denmark, Ecuador, Finland, France, Greece, Hungary, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Slovenia, Spain, Sweden, Switzerland, Togo, Tunisia, Turkey, United Kingdom, Uruguay, Venezuela, Yugoslavia
22	Algeria, Argentina, Australia, Austria, Bulgaria, Canada, Croatia, Cyprus, Denmark, Ecuador, Finland, France, Greece, Hungary, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Slovenia, Spain, Sweden, Switzerland, Togo, Tunisia, Turkey, Uruguay, Venezuela, Yugoslavia
30	Afghanistan, Belarus*, Bulgaria*, Chile, China, France, Guatemala*, Hungary*, Israel, Monaco, Panama, Russian Federation*, Turkey, Ukraine*.

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* Reservations or declarations were withdrawn.